



Matthew A. Eisenstein  
+1 202.942.6606 Direct  
Matthew.Eisenstein@arnoldporter.com

October 10, 2022

**VIA CM/ECF**

The Honorable Margo K. Brodie  
The Honorable Vera M. Scanlon  
U.S. District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *B&R Supermarket, Inc., et al. v. Visa Inc., et al.*, No. 1:17-cv-02738-MKB-VMS

Dear Judges Brodie and Scanlon:

We write on behalf of all parties in the above-captioned action to respectfully request that the Court adopt the proposed schedule submitted herewith to extend the schedule for briefing on summary judgment, *Daubert*, arbitration, and/or class-related motions (collectively, "Motions").

The Court entered a schedule for these Motions on July 8, 2022 (Dkt. 777) under which opening briefs are due October 24, 2022. The parties propose an extension to allow the parties to account for this Court's recent *Daubert* decisions and summary judgment decision as to EMV, issued in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, 1:05-MD-1720 (MKB) (VMS) (E.D.N.Y.), which Plaintiffs, American Express, and Discover will be unable to access until after redactions are submitted on October 24, 2022.

Under the July 8, 2022 schedule, these Motions are currently due on October 24, 2022 with 60 days for opposition briefs and 60 days for reply briefs. Under the proposed schedule, these Motions would be due on November 30, 2022, with the same 60 days for opposition briefs (January 30, 2023) and 60 days for reply briefs (March 31, 2023).

The parties respectfully request that the Court adopt the proposed schedule agreed upon by the parties, as reflected in the proposed order submitted herewith.

Thank you for considering this request.

Respectfully submitted,

/s/ Matthew A. Eisenstein

Matthew A. Eisenstein  
*Counsel for the Visa Defendants*

cc: All counsel of record (via ECF)